

September 15, 2003

MEMORANDUM TO: Laura A. Dudes, Section Chief
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs, NRR

FROM: Joseph M. Sebrosky, Senior Project Manager /RA/
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF AUGUST 25, 2003, WORKSHOP TO DISCUSS
INSPECTIONS, TESTS, ANALYSES AND ACCEPTANCE CRITERIA
(ITAAC) FOR OPERATIONAL PROGRAMS (PROGRAMMATIC ITAAC)

The Nuclear Regulatory Commission (NRC) held a public workshop on August 25, 2003, at NRC Headquarters to discuss ITAAC for operational programs (programmatic ITAAC). The meeting was transcribed and facilitated. A list of attendees is provided as Enclosure 1. The meeting agenda is provided as Enclosure 2.

Handouts were provided during the meeting by both the staff and NEI. The handouts can be accessed through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML032400437. The corrected transcript from the meeting is also accessible through ADAMS under Accession No. ML032530003. This system provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

The purpose of the meeting was to engage interested stakeholders regarding programmatic ITAAC. The staff drafted a proposal that was discussed at the meeting. The staff mentioned during the workshop that it also issued a *Federal Register* Notice on July 24, 2003, (68 FR 43767) soliciting comments on the proposal. The *Federal Register* comment period ends September 15, 2003.

The workshop was in the form of a roundtable discussion. Although the focus of the meeting was on the roundtable discussion, there were opportunities for members of the audience to offer comments and ask questions. The members of the roundtable are listed in the following table.

<u>Name</u>	<u>Organization</u>	<u>Name</u>	<u>Organization</u>
James Lyons	NRC, Program Director - New, Research and Test Reactors (RNRP)	David Ritter	Public Citizen's Critical Mass Energy and Environmental Program
Jerry Wilson	NRC, RNRP	Paul Gunter	Nuclear Information and Resource Service
Joe Sebrosky	NRC, RNRP	Eddie Grant	Exelon
Russ Bell	Nuclear Energy Institute (NEI)	Al Passwater	Polestar
Ben George	Southern Nuclear	Ron Simard	NEI

During the meeting the staff answered questions regarding the status of its review of the pebble bed modular reactor (PBMR). During this discussion the staff stated that if PBMR Ltd (a South African-based company) wanted to pursue design certification for the PBMR it would have to have a U.S. company sponsor the application (see lines 13 through 15 on page 9 of the transcripts). This is not correct. There is no requirement for a company pursuing design certification in accordance with 10 CFR Part 52 subpart B to be a U.S. based company. This is because design certification is performed through rulemaking and is not a license. However, in order to get a license (e.g., a combined license issued in accordance with 10 CFR Part 52 subpart C), a company would have to comply with Section 103(d) of the Atomic Energy Act. This portion of the Atomic Energy Act contains the following requirement regarding licenses:

No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States.... No license may be issued to an alien or any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government....

Enclosures: As stated

cc w/encls: See next page

<u>Name</u>	<u>Organization</u>	<u>Name</u>	<u>Organization</u>
James Lyons	NRC, Program Director - New, Research and Test Reactors (RNRP)	David Ritter	Public Citizen's Critical Mass Energy and Environmental Program
Jerry Wilson	NRC, RNRP	Paul Gunter	Nuclear Information and Resource Service
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Enclosures: As stated

cc w/encls: See next page

ADAMS ACCESSION NUMBER: ML032530002-Pkg.

OFFICE	PM:RNRP	SC:RNRP
NAME	JSebrosky	LDudes
DATE	9/10/03	9/12/03

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Combination List:

cc: Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006-3919

Dr. Gail H. Marcus
U.S. Department of Energy
Office of Nuclear Energy, Science
& Technology
NE-1, Room 5A-143
1000 Independence Avenue, SW
Washington, DC 20585

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. George Alan Zinke
Project Manager
Nuclear Business Development
Entergy Nuclear
M-ECH-683
1340 Echelon Parkway
Jackson, MS 39213

Mr. Thomas P. Miller
U.S. Department of Energy
NE-20, Rm. A286
Headquarters-Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Ms. Marilyn Kray
Vice President, Special Projects
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Mr. Laurence Parme
Manager, GT-MHR Safety &
Licensing
General Atomics Company
P.O. Box 85608
San Diego, CA 92186-5608

Mr. Joseph D. Hegner
Lead Engineer - Licensing
Dominion Generation
Early Site Permitting Project
5000 Dominion Boulevard
Glen Allen, VA 23060

Mr. Edward L. Quinn
MDM Services Corporations
Utility Operations Division
28202 Cabot Road, Suite 205
Laguna Nigual, CA 92677

Lynn Connor
Doc-Search Associates
2211 sw 1ST Ave - #1502
Portland, OR 97201

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research
Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Patricia Campbell
Winston & Strawn
1400 L St., NW
Washington, DC 20005

Mr. W. Edward Cummins
AP600 and AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Kelly R. Fletcher, Manager
Business Development and Advanced
Technologies
GE Nuclear Energy
175 Curtner Avenue, MC 784
San Jose, CA 95125

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. Stephen P. Frantz
Morgan, Lewis, & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Mr. David Ritter
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Mr. Horace R. Hall, Commercial Manager
Nuclear Business Team
UCAR Carbon Company, Inc.
P.O. Box 2170
Clarksburg, West Virginia 26302-2170

Mr. James Blyth
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Dr. Atambir S. Rao
Project Manager, ESBWR
GE Nuclear Energy
175 Curtner Avenue, MC 365
San Jose, CA 95125 USA

Mr. Edward F. Sproat, III
Vice President - Int'l Projects
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Dr. Regis A. Matzie
Senior Vice President and
Chief Technology Officer
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095-0500

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Distribution for Meeting Summary dated September 15, 2003

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PMNS
RBorchardt (RidsNrrOd)
JCraig (RidsNrrAdip)
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RNR Group
DMatthews
BBoger
CCarpenter
SRichards
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ACRS (RidsAcrsMailCenter)
OPA
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PCastleman
CKonzman
MAshley
JBlake
RGardner
CPaulk
LCampbell
JMoore
RWeisman
GMizuno
KBarber
BrookeSmith
AGill
TKenyon
RWeisman, OGC
NIqbal
PQualls
DBarss
BMusico
bhupinder.singh@hq.doe.gov
tom.miller@hq.doe.gov
DNelson, OE

Programmatic ITAAC Workshop

August 25, 2003

Attendance List

NRC

James Lyons NRR/DRIP/RNRP

Joe Sebrosky NRR/DRIP/RNRP

Jerry Wilson NRR/DRIP/RNRP

Michael Scott NRR/DRIP/RNRP

Tomas Foley NRR/DIPM/IIPB

Thomas Kenyon NRR/DRIP/RLEP

Ken Heck NRR/DIPM/IEHB

Jerome Blake Region II

John Hannon NRR/DSSA/SPLB

Alex Klein NRR/DSSA/SPLB

Eric Weiss NRR/DIPM/IEPB

Bruce Musico NRR/DIPM/IEPB

Dan Barss NRR/DIPM/IEPB

Scott Gordon NMSS/FCSS

Bob Weisman OGC

Janice Moore OGC

Brooke Smith OGC

Kathryn Barber OGC

Nuclear Energy Institute

Russ Bell

Robert Bishop

Ron Simard

Public Interest Groups

Paul Gunter Nuclear Information and
Resource Service

David Ritter Public Citizen's Critical Mass
Energy and Environmental
Program

Other Attendees

Eddie Grant Exelon

Leanne Crosbie MPR Associates

Michael Bourgeois Entergy

George Zinke Entergy

Charles Brinkman Westinghouse

Edward Burns Washington Group
International

John Concklin Framatome ANP

Alan Passwater Polestar

Gary Vine Electric Power
Research Institute

Larry Drbal Black and Veatch

Steven Frantz Morgan, Lewis and
Bockius

Thomas Furlong Nuclear Electric
Insurance Limited

Shinichi Hayafune Toshiba

Ryuji Iwasaki Toshiba

Thomas Mundy Exelon

Ralph Shell TVA

William Smith Energetics

Ben George Southern Nuclear

Lane Hay SERCH Bechtel

Patricia Campbell Winston and Strawn

Jenny Weil McGraw-Hill

Agenda
August 25, 2003 Programmatic ITAAC Workshop

- 1:00 p.m. Welcome, objectives, ground rules, introductions
Francis "Chip" Cameron, Facilitator
- 1:10 p.m. Overview of ITAAC

Jim Lyons, Director, New, Research and Test Reactors, NRC
Joseph Sebrosky, NRC
- 1:30 p.m. Participant questions
- 1:45 p.m. Participant perspectives
- 2:15 p.m. The need for a programmatic ITAAC: policy perspective
Participant discussion
- 2:45 p.m. Potential alternatives to a programmatic ITAAC (for example, the NRC draft
proposal; a NEI proposal; other proposals)
Participant discussion
- 3:30 p.m. Break
- 3:45 p.m. What programs should be covered by a programmatic ITAAC?
Participant discussion
- 4:15 p.m. Future implementation steps
Participant discussion
- 4:30 p.m. Adjourn